Tuesday, October 03, 2017

Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribal Nations

*Please note: All articles are available in the attached PDF.

1 — How Louisiana protects and restores a privately owned coast, Times Picayune, 10/3/17

http://www.nola.com/environment/index.ssf/2017/10/oil terminal opens at site of.html#incart river index

A new petroleum storage facility in St. John the Baptist Parish could add as much as \$1.5 million to the price tag of a high priority coastal restoration project, according to documents obtained by NOLA.com | The Times-Picayune. The added cost is raising questions about how the state negotiates building restoration projects on private property.

2 — Parishes seek levee district help for permits to dredge, de-snag Bayou Manchac, Times Picayune, 10/2/17 http://www.theadvocate.com/baton_rouge/news/article_f7a02432-a78a-11e7-980e-1fc9898087d2.html
The parish presidents of East Baton Rouge, Ascension and Iberville parishes want the Pontchartrain Levee District to take the lead in a plan to clear and dredge portions of Bayou Manchac. Mayor-President Sharon Weston Broome, Ascension Parish President Kenny Matassa and Iberville Parish President Mitch Ourso sent the levee commission president a letter last week asking for help with permitting through the U.S. Army Corps of Engineers and other agencies.

3 — An Absent EPA Climate Report, And A Tale Of Two Flooded Superfund Sites, NPR, 9/29/17

http://www.npr.org/sections/thetwo-way/2017/09/29/553696314/an-absent-epa-climate-report-and-a-tale-of-two-flooded-superfund-sites

Hurricane Harvey flooded more than a dozen Superfund toxic waste sites when it devastated the Texas coast in late August. An EPA report predicted the possibility of climate-related problems at toxic waste sites like those in Texas, but the page detailing the report on the agency's website was made inactive months before the storm. The Environmental Protection Agency's 2014 Climate Change Adaptation Implementation Plan warned that those in charge of cleaning up Superfund sites should explicitly plan for more rain, bigger floods and "increased intensity of hurricanes."

4 — Harvey knocked out dozens of Texas water, sewer systems, SAC Bee, 10/2/17

http://www.sacbee.com/news/business/article176678791.html

State and federal environmental agencies report Harvey knocked out five drinking-water systems and seven sewage systems in the 58 Texas counties covered by Gov. Greg Abbott's disaster declaration. In a joint statement issued Monday, the U.S. Environmental Protection Agency and the Texas Commission on Environmental Quality also reported that 38 other drinking-water systems are under boil-water notices.

5 — GENERAL MOTORS IS GOING ALL ELECTRIC, Wired, 10/2/17

https://www.wired.com/story/general-motors-electric-cars-plan-gm/

AFTER MORE THAN a century peddling vehicles that pollute the atmosphere, General Motors is ending its relationship with gasoline and diesel. This morning, the American automotive giant announced that it is working toward an all-electric, zero-emissions future. That starts with two new, fully electric models next year—then at least 18 more by 2023.

^{*}To receive the Daily News Digest in your inbox, email R6Press@epa.gov.

6 — Austin Energy to turn over Holly Power Plant site by December, Austin Monitor, 10/3/17

https://www.austinmonitor.com/stories/2017/10/austin-energy-turn-holly-power-plant-site-december/

The bitter reminder of decades of pollution that the Holly Street Power Plant presents to the residents of the Holly neighborhood will soon disappear. As of the Parks and Recreation Board meeting on Sept. 26, the plant is in its final phase of decommissioning before the land will be transferred from Austin Energy into the hands of the Parks and Recreation Department

7 — Oil producers concerned about permit backlog, Santa Fe New Mexican, 10/3/17

http://www.santafenewmexican.com/news/local_news/oil-producers-concerned-about-permit-backlog/article_70bc1750-6134-5155-81c8-8ea1adefe09c.html

The cost of drilling for oil and natural gas on public and tribal land went up slightly nationwide, thanks to a fee hike that took effect over the weekend. But New Mexico producers said Monday they are more worried about a continued backlog in the U.S. Bureau of Land Management's processing of permits. The delays are costing New Mexico and the federal government taxes and royalties, according to the New Mexico Oil and Gas Association.

8 — Llano County commissioner weigh in on proposed Burnet County rock crusher, Daily Trib, 10/2/17 http://www.dailytrib.com/2017/10/02/llano-county-commissioners-weigh-proposed-burnet-county-rock-crusher/#ixzz4uSWEsz87

Llano County commissioners sidestepped sending a resolution in opposition to a proposed rock crushing operation and opted instead to send individual letters to the Texas Commission on Environmental Quality, which is considering Asphalt Inc.'s air quality permit. The resolution offered by Llano County Pct. 1 Commissioner Peter Jones on Sept. 25 outlined the potential impact on Llano County residents, even though the proposed plant would be located in neighboring Burnet County.

9 — Government Report Says FEMA Flood Mapping Program Needs Improvement, Houston Public Media, 10/2/17 http://www.houstonpublicmedia.org/articles/news/energy-environment/2017/10/02/240081/government-report-says-fema-flood-mapping-program-needs-improvement/

A new government report says FEMA's flood mapping program is outdated and mismanaged. The report from Homeland Security's Inspector General's Office says that more than half of the Federal Emergency Management Agency's flood maps aren't accurate, and the problem won't be fixed without some changes. Specifically, the audit found that as of late 2016, only 42% of the flood maps were up to date

10 — This Year's Atlantic Hurricane Season Is Third Worst on Record, Bloomberg, 10/2/17

https://www.bloomberg.com/news/articles/2017-10-02/-extremely-active-hurricane-season-is-third-worst-on-record?cmpld=flipboard

This year's Atlantic hurricane season has been the third-most active on record, and there are still more than eight weeks to go. The basin produced more tropical cyclones at this point in the season, which ends on Nov. 30, only in 1933 and 2004, according to the National Hurricane Center. Meanwhile, September set a record for Accumulated Cyclone Energy, a measure that combines the intensity and duration of storms. Four tropical cyclones formed in September, all of which became hurricanes, with three growing into major hurricanes. That doesn't even include hurricane Irma and Harvey, which formed in August.

LOUISIANA ENVIRONMENT AND FLOOD CONTROL

How Louisiana protects and restores a privately owned coast

Updated on October 3, 2017 at 7:02 AM Posted on October 3, 2017 at 7:00 AM

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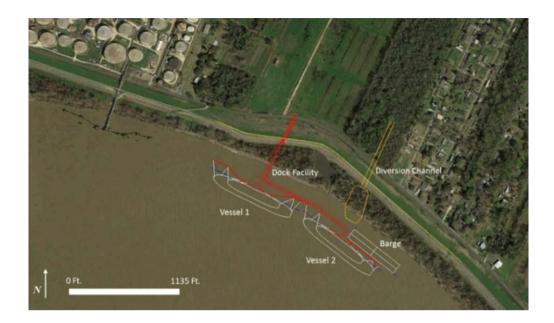
By Sara Sneath

NOLA.com | The Times-Picayune

A new petroleum storage facility in <u>St. John the Baptist</u> <u>Parish</u> could add as much as \$1.5 million to the price tag of a high priority coastal restoration project, according to documents obtained by NOLA.com | The Times-Picayune. The added cost is raising questions about how the state negotiates building restoration projects on private property.

The documents, obtained through a public record request, indicate that state officials corresponded with Pin Oak Terminals, the company that owns the new chemical storage facility, for four years through more than 500 emails. During that time, state officials signed a

nondisclosure agreement and split the price of a \$109,000 study with the company to ensure the petroleum storage facility could coexist with the coastal restoration project.



With about 80 percent of the Louisiana coast privately owned, it's not surprising that the state would need to work out deals with landowners in order to construct projects to protect coastal residents and infrastructure. But environmental advocates questioned whether the state's willingness to negotiate with landowners out of public view is compromising the goal of preserving the coast.

State officials have long touted their willingness to work with industry, calling the disappearing seashore a "working coast." The project near the Pin Oak Terminals facility is the second of five coastal restoration projects sought for fast tracking permitting by Gov. **John Bel Edwards** that is under a memorandum of agreement with a private company.



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But with nearly 2,000 square miles of land lost since the 1930s, it's time that the state takes bold steps toward restoring the coast, said Scott Eustis, a coastal wetland specialist with the environmental group Gulf Restoration Network.

"They say it's a working coast," Eustis said. "I don't know if they've noticed, but the coast isn't working anymore."

The state first developed plans to build a coastal restoration project at the site of the new petroleum storage facility near <u>Garyville</u> in 1993. The project would reconnect the Mississippi River with Maurepas Swamp, between New Orleans and Baton Rouge. Levees along the river cut off the swamp in 1814, depriving it of river nutrients and sediment. Without sediment to replenish the swamp floor, the sinking land constantly floods.

Saltwater intrusion from <u>Lake Pontchartrain</u> is killing bald cypress trees. Constant flooding means new cypress and tupelo tree seeds can't germinate. As a result, the swamp is converting to marsh.

To make the swamp healthy, the state wants to build a gated structure in the <u>Mississippi River</u> levee to pull water and send it through nearly 5-1/2 miles of channels to Maurepas Swamp. The estimated tab is \$186.9 million, according to the state's coastal protection and restoration authority.

The state has spent \$10 million to date, said Brad Miller, the project manager. This month, the state announced that it received a \$14.2 million grant to engineer, design and seek permits for the project. The money comes from Clean Water Act penalties paid by BP and others responsible for the **2010 Deepwater Horizon Gulf oil disaster**.

In 2012, Pin Oak Terminals purchased the site where the Maurepas Swamp diversion is planned from a company named Safeland Storage. Before Safeland sold the site, the company sought a permit through the Louisiana Department of Natural Resources to build a chemical storage facility, like the one Pin Oak Terminals recently built. In 2010, Miller emailed a <u>Louisiana Department of Natural</u>
<u>Resources</u> employee to confirm that the storage facility and
Maurepas Swamp Diversion project could coexist.

To print the document, click the "Original Document" link to open the original PDF. At this time it is not possible to print the document with annotations. "The assumption was made that if a dock facility was constructed first, that the construction of the (Maurepas Swamp) diversion structure would be possible but a little more complicated and expensive," Miller wrote. The email said a temporary cofferdam system required by the placement of the storage facility could raise the cost of the Maurepas Swamp diversion by \$1.57 million.

In a recent interview, Miller said the price would likely be less. He did not provide a new estimate.

"That number is not accurate anymore but there could be some increased costs with constructing the diversion there," he said. "They can coexist just fine ... It's just construction logistics."

The study the state and the company paid for concluded the dock for the chemical storage facility would not impede the flow of water into the diversion. It also said that any spill of bitumen, a chemical stored at the facility, would not make its way into the diversion -- in all modeled scenarios, the bitumen mixed with river water, descended toward the bottom of the river and washed downstream of the diversion, the study concluded.

To print the document, click the "Original Document" link to open the original PDF. At this time it is not possible to print the document with annotations. To print the document, click the "Original Document" link to open the original PDF. At this time it is not possible to print the document with annotations. After four years of negotiations, state officials and Pin Oak employees signed an agreement to share construction plans and avoid disrupting each other's projects.

The state looks at every project site individually when determining the most cost-effective way to build on privately owned land, said Richelle Moore, general counsel for the <u>Coastal Protection and Restoration Authority</u>.

"Historically, we've been able to acquire easements at no cost," she said. "We don't buy property if we don't need to. We have a good track record of acquiring the bare minimum of acquisitions."

The four properties owned by Pin Oak Terminals have a combined assessed value of \$1.1 million according to the St. John the Baptist Assessor's Office website. The Louisiana Tax Commission requires that properties are valued between 90 percent to 95 percent of their market value. But that doesn't stop a landowner from selling property for more than the market value, or refusing to sell.

The assessed value of the land is about \$463,000 less than the estimated cost of building around the petroleum storage facility, not including the \$54,500 the state spent on the feasibility study or the cost of state employee time.

Eustis said the state should have purchased the property before the oil terminal was built. "If this is essential for the state to function, it should just be under eminent domain," he said, referring to the law allowing expropriation of private property for a public purpose, with compensation.

But a new law that went into effect in June could make it more difficult for the state to use eminent domain. Unless owners with at least seventy-five percent ownership in the property voluntarily sell the land to the state, officials will need to prove to a court that full ownership of the property is necessary to carry out the purpose of the project.

During a time when the state needs to take action more than ever to restore the coast, the new law seems to give the state less power, said John Costonis, a chancellor emeritus and professor of law at <u>Louisiana State</u> <u>University</u>'s law school.

Over the course of the next 50 years, the state will attempt to build 124 projects included in its \$50 billion coastal master plan on land that's 80 percent privately owned, according to the plan.

"The notion strikes me as misconceived that the state should self-impose constraints on its ability to meet this challenge lest coastal landowners incur constitutionally legitimate limitations on the use of their property," Costonis said. "Property, which absent the state's coastal program, will in large part and over time disappear under an encroaching sea."

State officials say that the new law will have little impact on the coastal master plan because the state rarely, if ever, uses eminent domain to purchase land for coastal restoration and protection projects. If eminent domain is needed, the state would likely be able to make its case in court, said David Peterson, general counsel for the state's coastal protection and restoration authority.

The state typically builds coastal protection and restoration projects on private land through servitudes, also called easements, which allow the landowner to retain some rights to the property. "In Louisiana, folks don't want to give up full ownership, even if there's a levee on top of the property," Peterson said. In northern Louisiana, farmers run their cattle on the levees, he said.

The new law will actually make it easier for the state to negotiate with private landowners about coastal restoration projects because it requires that easements end at the life of the project, unless the landowners voluntarily agree to a longer term, said Rep. Jerome Zeringue, R-Houma, who authored the new legislation. "This bill was intended to expedite the process and allow the state to move forward on projects."

The new oil terminal in St. John the Baptist Parish received its first shipment of product this month. But the state could find itself needing to make deals with a new company soon. The site of another high priority coastal restoration project, the <u>Mid-Barataria sediment diversion</u> in <u>Plaquemines</u> <u>Parish</u>, went up for sale last month.

Touted as the state's most ambitious project to restore the coast, the Mid-Barataria diversion would open up the Mississippi River's **West Bank** levee near **Ironton** and **Myrtle Grove**, with the intent to rebuild land in Barataria Bay.

The state conducted feasibility studies for building a coal terminal at the site of the diversion and signed an agreement with the last landowner, RAM Terminals. The state hasn't made clear whether it intends to purchase the property. "We're looking into that," Peterson said.

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Parishes seek levee district help for permits to dredge, de-snag Bayou Manchac

BY DAVID J. MITCHELL | DMITCHELL@THEADVOCATE.COM OCT 2, 2017 - 11:01 AM

David Mitchell

The parish presidents of East Baton Rouge, Ascension and Iberville parishes want the Pontchartrain Levee District to take the lead in a plan to clear and dredge portions of Bayou Manchac.

Mayor-President Sharon Weston Broome, Ascension Parish President Kenny Matassa and Iberville Parish President Mitch Ourso sent the levee commission president a letter last week asking for help with permitting through the U.S. Army Corps of Engineers and other agencies.

"Your regional scope and expertise makes the Pontchartrain Levee District the ideal candidate to serve as an applicant (for the permits)," the parish leaders wrote in the Sept. 27 letter.

Story Continued Below

The letter comes after the parish leaders and those for Livingston and St. James parishes met in January for a regional drainage summit to discuss possible responses to the March and August floods of 2016.

Some environmentalists raised concerns previously that dredging and removal of native trees could affect the aquatic health of the state's historic and scenic river, but state Sen. Mack "Bodi" White, R-Baton Rouge, authored legislation earlier this year exempting some dredging restrictions on the bayou, as well as other scenic waterways.

Officials from the parishes and engineering firms took a tour of the bayou last week to highlight problem areas. Then a few days later the representatives from the Corps of Engineers, levee district, Ascension Parish and others met in Matassa's office in Gonzales about improvements to the bayou.

Matassa said that corps officials told him then that one permit applicant would be needed for the project. It will need three different kinds of permits, including a wetlands permit from the corps, the parish leaders say in the letter.

"At the meeting, I asked the Pontchartrain Levee District if they would go after the permit," Matassa said Monday.

He said that Blaine Sheets, a levee district commissioner at that meeting, then told him that if Matassa got all three parishes to sign off in a letter asking the levee district to get the permit, Sheets would bring it to the full commission. Matassa said East Baton Rouge and Iberville officials later agreed.

Ricky Bosco, president of the levee board, said the district received the request Monday and it would be presented to the full levee Board of Commissioners, as are other requests from parishes in the levee district.

"We are looking forward to moving this matter forward in an effort to address concerns of the affected residents and businesses of the area," Bosco said.

The district is responsible for the east bank Mississippi River levees between the Jefferson-St. Charles Parish line and Baton Rouge, as well as 10 miles of hurricane protection levee in St. Charles, but also has a hand in other drainage, coastal restoration and flood protection projects and studies, including those laying out previously stalled plans for Manchac.

The parishes were divided over that older plan, coordinated through the levee district, which proposed dredging and new drainage control structures to improve downstream flow but also to control backwater flooding in the bayou.

Bayou Manchac serves as a downstream drainage outlet for East Baton Rouge, Ascension and Iberville parishes, including growing parts of southern East Baton Rouge and Prairieville in northeastern Ascension, but empties into the Amite River and is susceptible to backwater flooding.

Ourso said the latest concept, as explained to him, would focus on dredging and clearing out natural blockages in the waterway, not on new drainage control structures.

Ken Dawson, chief administrative officer for Ascension Parish, said as much, saying the parishes are still working on the extent of the proposed dredging project.

In August, Bill Roux, Ascension Parish's public works director, told the East Ascension drainage board that the parish wants to use a portion of the \$33 million in federal hazard mitigation money it will receive for the August 2016 flood on the project but is also looking for cost-sharing from Iberville and East Baton Rouge. He estimated the cost then at \$5 million.

Matassa added that the parishes had previously agreed to share in the cost of the work. While Ourso said he agreed with that concept, Fred Raiford, city-parish transportation and drainage director, said the city-parish supports the need for projects with regional benefits but wants to see more modeling data on the extent of the drainage benefit before agreeing to funding.

"Those are the things that we want to look at, with factual technical data, not political data," Raiford said.

Meanwhile, Iberville has recently begun a \$2.4 million project to upgrade an existing floodgate and add two new floodgates that would drain Alligator Bayou and portions of the Spanish Lake area inside Iberville into Bayou Manchac.

After the August 2016 flood, high water runoff from East Baton Rouge over-topped Manchac Road and went into Spanish Lake and Bluff Swamp, flooding homes in Ascension and Iberville parishes but also trapping the water behind the elevated Manchac Road for weeks. Officials in Ascension and Iberville parishes were forced to make temporary road cuts to drain the area.

Manchac Road has been closed since the flood. Ourso said the road would be repaved and reopened after the floodgate project is finished in summer 2018.

Dredging and similar kinds of improvements on Bayou Manchac, a state historic and scenic river, require approval by the state Department of Wildlife and Fisheries in consultation with the departments of Tourism and Environmental Quality, state Division of Administration and other agencies. State already law allowed "maintenance dredging" and snagging in Bayou Manchac, but White's legislation added "clearing." Wildlife and Fisheries retains the final say.

The exemption, which Gov. John Bel Edwards signed June 12, doesn't take effect until June 30, 2018.

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AMERICA

An Absent EPA Climate Report, And A Tale Of Two Flooded Superfund Sites

September 29, 2017 · 3:16 PM ET

REBECCA HERSHER



Patrick Bayou, pictured on Sept. 2, flooded when Hurricane Harvey slammed the Houston area. The bayou is a Superfund toxic waste site. A March cleanup report for the site did not include preparations for more severe flood events as a result of climate change.

Jason Dearen/AP

Hurricane Harvey flooded more than a dozen Superfund toxic waste sites when it devastated the Texas coast in late August. An EPA report predicted the possibility of climate-related problems at toxic waste sites like those in Texas, but the page detailing the report on the agency's website was made inactive months before the storm.

The Environmental Protection Agency's 2014 Climate Change Adaptation Implementation Plan warned that those in charge of cleaning up Superfund sites should explicitly plan for more rain, bigger floods and "increased intensity of hurricanes." Based on earlier EPA climate change research, the report authors recommended that the agency change how it protects people from toxic chemical releases as sea levels rise and storms get more severe.

The report was removed from the EPA website when President Trump took office in January — it last appeared on the site the day before his inauguration.



THE TWO-WAY

In Texas, Concerns About Damage To Flooded Toxic Waste Sites

"We are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator [Scott] Pruitt," the page now reads, with a link to an archived version of the page containing the report.



THE TWO-WAY
Trump's Budget Slashes Climate Change Funding

Such preparedness reports are reference documents for those who draft specific cleanup plans for hazardous waste sites.

Take, for example, two sites that were flooded during Harvey and don't yet have finalized cleanup agreements — the EPA's handling of the climate-preparedness document could have far-reaching implications for how these agreements are written and how contaminated sited are handled.

A toxic Texas bayou

Patrick Bayou is one such Superfund site, flooded in the midst of finalizing a cleanup plan. It's in Deer Park, Texas, about 15 miles from downtown Houston, sandwiched between the Houston Ship Channel and a sprawling complex of petrochemical facilities and separated from homes by a highway. The bayou is polluted with dangerous heavy metals including arsenic, cadmium, chromium, copper, lead, manganese, mercury, nickel, selenium and zinc, as well as pesticides and petrochemicals, according to EPA testing.

The severity of the hazards posed by Patrick Bayou landed it on the EPA's National Priorities List in 2002. It often takes a decade or more for the government to reach an agreement with those responsible for cleaning up a toxic waste site, meaning responsibility for details can stretch across multiple presidential administrations.

In March of this year, the EPA published a final feasibility report on potential cleanup methods for Patrick Bayou.

The 4,411-page document discusses, in extreme detail, cleanup options and risks associated with Patrick Bayou — which is susceptible to flooding because of its location along the Ship Channel. It does not mention the EPA's 2014 report on climate change or its recommendations concerning flood risk assessment, and the words "climate change" do not appear. In sections about flood risk, the analysis does not acknowledge research suggesting that models predicting the severity and frequency of flooding are increasingly unreliable as a result of climate change.

The EPA announced on Sept. 15 that it had found no evidence of contamination at Patrick Bayou beyond what was already present before Harvey, and that the process of reaching a cleanup agreement for the site would continue.



Floodwaters from last month's storm ripped apart fences and flooded Interstate 10 east of Houston. The San Jacinto Waste Pits Superfund site is just on the other side of the road.

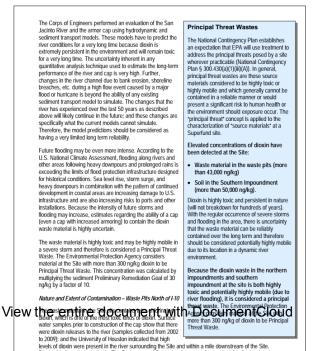
Rebecca Hersher/NPR

Rising waters and hazardous waste pits

The language in the Patrick Bayou report is in stark contrast with a preliminary cleanup plan published less than a year earlier for the San Jacinto Waste Pits Superfund site about 5 miles away, sticking out into the San Jacinto River.

That much shorter document, released in September 2016 during the Obama administration, references climate change twice and notes that "future flooding may be even more intense" — which could mean some cleanup methods would be more effective than others.

Warning About Possibility Of More Severe Flooding (p. 10)



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The long-term plan is not yet final, and it's unclear whether the climate-related strategies discussed in the preliminary document will make it into a final cleanup agreement under a new administration.

"I think what's disturbing is that language matters," says Ilan Levin, an attorney with the Environmental Integrity Project in Austin, an environmental watchdog group run in part by former EPA employees. "We're in the early stages, but just seeing that the language has changed in these agreements means that [the current EPA] is not accepting the risks, and they're kind of burying their heads in the sand," he says.

Expediting cleanups

After Harvey struck, Pruitt traveled to Houston and visited the waste pits and other Superfund sites. Pruitt, who has questioned the basic facts of climate change, has said that one of his priorities at the agency is to expedite cleanups at Superfund sites.

"The previous administration not only didn't make this a priority — but took years and years just to make decisions about cleaning up these sites," EPA spokeswoman Liz

Bowman wrote in an email to NPR earlier this week. "The delays that have plagued individual cleanups aren't helping anyone, and proceeding with business as usual is not an option."

She did not comment on the absence of the 2014 climate report from the current EPA website.

Nationwide, some communities near toxic waste sites feel that the cleanup progress has been slow or inadequate, and the Superfund program has been plagued with budget shortfalls for years.

A week after Harvey, Scott Jones of the Galveston Bay Foundation, an environmental advocacy group, told NPR that while he felt the EPA was generally doing a good job developing a cleanup plan for the San Jacinto Waste Pits, he wished the process would move more quickly. His organization has been calling for a cleanup plan for the waste pits for years.

Levin cautions that in many cases, "speeding up these cleanups is not a good idea. I think expediting cleanups will just allow people to take shortcuts."

"The fact is the last administration was proactively considering the additional risks that climate change poses to some of these toxic dump sites," Levin says. "That's a step in the right direction."

hurricane harvey scott pruitt houston environmental protection agency

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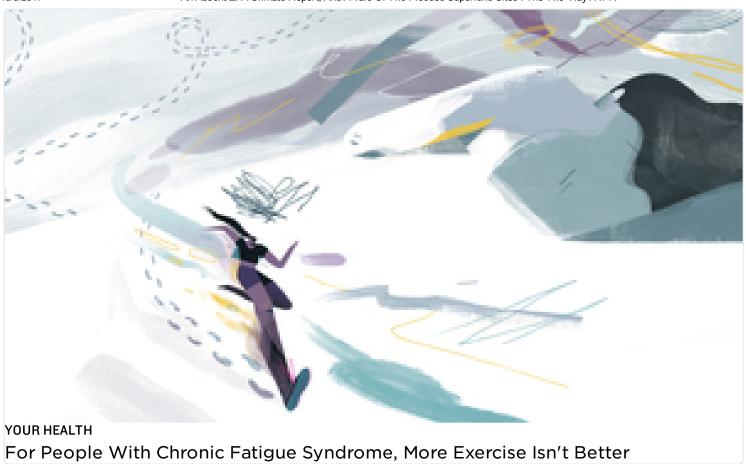
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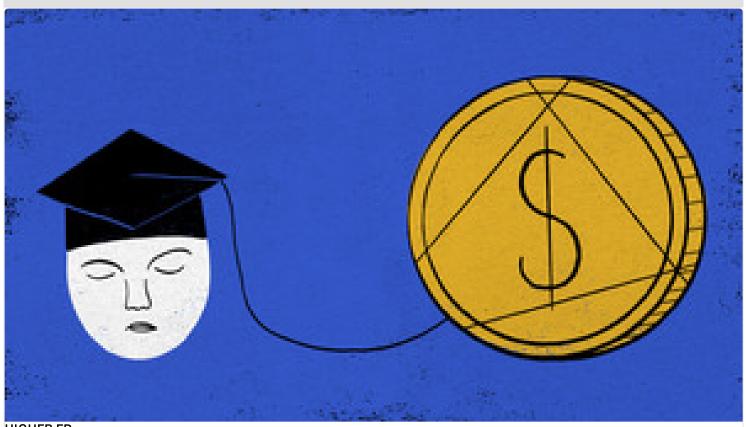
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BUSINESS & REAL ESTATE

Harvey knocked out dozens of Texas water, sewer systems

The Associated Press

OCTOBER 02, 2017 5:19 PM

DALLAS — State and federal environmental agencies report Harvey knocked out five drinking-water systems and seven sewage systems in the 58 Texas counties covered by Gov. Greg Abbott's disaster declaration.

In a joint statement issued Monday, the U.S. Environmental Protection Agency and the Texas Commission on Environmental Quality also reported that 38 other drinking-water systems are under boil-water notices.

The TCEQ also reports that four dams failed and 17 others had some type of damage reported, but there were no reports of downstream damage or injuries as a result. None of the inoperable water and sewer systems or damaged dams was specified.

The agencies report that of the 43 Superfund sites in the Harvey-affected areas of Texas and Louisiana, 42 have been cleared and the San Jacinto River Waste Pits require follow-up because a protective cap was damaged and underlying waste material exposed.

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But floodwaters from Harvey completely submerged the pits. The EPA reported last week that a sample collected from the exposed area by an agency dive team showed dioxin levels at 70,000 nanograms per kilograms, more than 2,300 times the level that would prompt a cleanup. The toxic chemicals don't dissolve readily in water and can be spread in contaminated sediment over a large area. The EPA said more testing was needed to determine if contamination had spread from the pits.

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ALEX DAVIES TRANSPORTATION 10.02.17 12:01 PM

GENERAL MOTORS IS GOING ALL ELECTRIC





GENERAL MOTORS

Motors is ending its relationship with gasoline and diesel. This morning, the American automotive giant announced that it is working toward an all-electric, zero-emissions future. That starts with two new, fully electric models next year—then at least 18 more by 2023.

from gasoline- and diesel-powered vehicles. In recent months, Volvo, Aston Martin, and Jaguar Land Rover have announced similar moves. GM's declaration, though, is particularly noteworthy because it's among the very largest automakers on the planet. It sold 10 million cars last year, ranging from pickups to SUVs to urban runabouts.

"General Motors believes the future is all-electric," says Mark Reuss, the company's head of product. "We are far along in our plan to lead the way to that future world."

Reuss did not give a date for the death knell of the GM gas- or diesel-powered car, saying the transition will happen at different speeds in different markets and regions. The new all-electric models will be a mix of battery electric cars and fuel cell-powered vehicles.

To be sure, GM's sudden jolt of electricity is planned with its shareholders in mind. The Trump Administration may be moving to roll back fuel efficiency requirements in the US, but the rest of the world is insisting on an electric age. France, Great Britain, the Netherlands, and Norway have all said they plan to ban the sale of gas and diesel cars in the coming decades. More importantly, China—the world's largest car market—and India, a rising star, plan to join them. No automaker can compete globally without a compelling stable of electric cars.

GM intends to grab as large a slice of the Chinese market as possible. It has previously announced plans to launch 10 electric or hybrid electric cars in the country by 2020. This summer, it started selling a two-seat EV there, for just \$5,300. Last year, it sold more cars in China (3.6 million) than it did in the US (3 million).

The crucial question for the American automaker will be how, exactly, to make money from all these cars. By one report, GM loses \$9,000 on each Chevy Bolt it sells. Reuss' strategy hinges on bringing costs down thanks to steadily dropping battery prices, more efficient motors, and lighter cars. Massive scale and global supply chains helps, too. "This next generation will be profitable," he says. "End of story."

It's not impossible. "If they've really been laying this groundwork, they could be closer to not just having this tech but having a profitable and high volume way of supplying

General Motors' history hasn't been especially kind to electric mobility. Its invention of the automatic starter helped kill the first wave of electric cars at the start of the 20th century. This is the company that experimented with battery power in the EV-1, only to recall the two-seater from its owners, crush them all, and pile the carcasses up in a junkyard. In the first years of the 21st century, while Toyota was making hybrids popular with the Prius, GM was hawking the Hummer.

Over the past decade, the Detroit giant has positioned itself for a different sort of future. First came the hybrid electric Chevy Volt. Then came GM's great coup, the Chevy Bolt, the 200-mile, \$30,000 electric car that hit market long before Tesla's Model 3. GM is seriously pursuing semi-autonomous and fully driverless cars. It offers the first car on US roads with vehicle-to-vehicle communication capability. Now, it talks about its plans to eliminate vehicle pollution, congestion, and traffic deaths.

"GM has the ability to get all of us to that future so much faster," Reuss says. Now it just has to deliver—and make enough money doing it to stick around for that future.

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General Motors has promised that the Chevrolet Bolt, its affordable, long-range electric car, would deliver at least 200 miles on a charge and cost no more than \$30,000. WIRED put it to the test.

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BETA



Tuesday, October 3, 2017 by Jessi Devenyns (https://www.austinmonitor.com/stories/author/jessi-devenyns/)

PARKS (HTTPS://WWW.AUSTINMONITOR.COM/STORIES/CATEGORY/RESOURCES/PARKS/)

Austin Energy to turn over Holly Power Plant site by December

The bitter reminder of decades of pollution that the Holly Street Power Plant presents to the residents of the Holly neighborhood will soon disappear.

As of the Parks and Recreation Board meeting on Sept. 26, the plant is in its final phase of decommissioning before the land will be transferred from Austin Energy into the hands of the Parks and Recreation Department.

Nine acres of land will be transferred to Parks and Recreation once the final cleanup is complete. Currently, Austin Energy is removing the remaining concrete and continuing with its soil cleanup to ensure that the eradication of toxins complies with Texas Commission on Environmental Quality criteria. According to Eric Stager, a senior environmental scientist for Austin Energy, "For future Parks land, we are cleaning up to the strictest residential standards."

Stager explained that the bulk of the soil cleanup includes removing total petroleum hydrocarbons and polychlorinated biphenyls. There were no buried transformers and only trace amounts of lead to contend with. "We had a little lead in the soil, but not as extensive as I expected," he said.

Parks and Recreation will receive a letter from TCEQ to certify compliance once the cleanup has been completed.

In tandem with the soil remediation, Austin Energy is also backfilling some holes left by the removal of Holly Street Power Plant equipment and completing the final landscaping on the land Austin Energy will retain.

Stager said that all three projects are slated to be completed by the end of October and that the final grading and landscaping will be finished by November. "Hopefully by December we're wrapping up and ready to turn over to PARD," he said.

Once Austin Energy is comfortable with the status of the cleanup, it will grant increased access to the area to Parks and Recreation for planning purposes.

Part of Parks and Recreation's planning includes landscaping a public trail, proposing a boathouse at the Camacho Activity Center, revitalizing Martin Pool, and identifying areas for art and the corresponding artists.

There are talks of Austin Parks Foundation and the Trail Foundation donating trees to help heal the scarred landscape although there are currently no written agreements.

The proposed trail will have a connection to the East Link trail and "the first phase is to put in the major trail that will function as pedestrian and bike activity," said Reynaldo Hernandez, landscape architect for Parks and Recreation. The new portion of the trail will have two points of connection for the public. One will be on Holly Street and the other will be on Riverside Drive by the baseball fields.

Additionally, Austin Energy is providing \$450,000 of funding for a wall to separate the public park and trail from its facilities. "This security wall," said Hernandez, "that separates the park from Austin Energy was designed to accept art on it." A portion of the art will be done by artists from the community organization Arte Texas in conjunction with Art in Public Places.

"This is absolutely important to the Mexican-American community so I'm going to have some major problems if all of the sudden we find that the art ... is not representative of the community," said Vice Chair Richard DePalma.

According to Board Member Michael Casias, \$50,000 of the \$150,000 budgeted for local art has already been designated for Arte Texas. The remaining \$100,000 has not yet been allotted. He said that he hopes that art commissioned through public-private partnerships can turn the old power plant into a community gathering space. "There's incredible opportunity there," he said. "It's more than just dead grass."

There is a community meeting set to show the new schematics to the public on Sept. 30. The trail is expected to be completed in late 2019 or early 2020.

Photo of the Holly Street Power Plant courtesy of Austin Energy.

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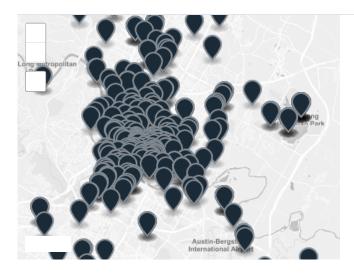
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Oil producers concerned about permit backlog

By Susan Montoya Bryan | The Associated Press 15 hrs ago

ALBUQUERQUE — The cost of drilling for oil and natural gas on public and tribal land went up slightly nationwide, thanks to a fee hike that took effect over the weekend. But New Mexico producers said Monday they are more worried about a continued backlog in the U.S. Bureau of Land Management's processing of permits.

The delays are costing New Mexico and the federal government taxes and royalties, according to the New Mexico Oil and Gas Association.

The industry group estimates nearly \$1.5 million in federal royalties and another \$831,000 in state severance taxes are deferred daily due to administrative issues. The funding is critical as state lawmakers discuss budget priorities for the coming fiscal year, the association said.

The Bureau of Land Management earlier this year began shifting resources to tackle the backlog in areas where drilling activity has picked up, including in New Mexico's share of the Permian Basin, which also spans parts of West Texas and is one of the nation's top oil producing regions.

Robert McEntyre, a spokesman for the association, said the processing of applications hasn't changed pace significantly since the summer when Interior Secretary Ryan Zinke issued an order targeting the backlog.

While the U.S. Interior Department has prioritized the problem, the delays still concern producers, McEntyre said.

"Really, it's troubling when basically bureaucracy is holding up people from just doing business," he said. "We think it can be a winwin. If we speed up the process, we can see more revenue for New Mexico."

Regional officials with the Bureau of Land Management did not immediately respond to questions regarding the status of New Mexico's backlog.

While federal statute requires the agency to review an application within 30 days, the average processing time nationwide was closer to 257 days during the 2016 fiscal year. Federal statistics showed nearly 20 percent of the 2,802 applications pending at the start of 2017 were in New Mexico.

In northwestern New Mexico's San Juan Basin, industry officials reported that some producers were waiting up to 500 days.

"These kinds of delays push investment away from federal land," McEntyre said.

The Bureau of Land Management is revamping the resource management plan for the basin as environmental groups and Native American tribal leaders push for more protections for culturally significant sites beyond the boundaries of Chaco Culture National Historical Park.

As for the fee, the agency announced a congressionally mandated hike in the amount paid by producers to process drilling applications. Starting Oct. 1, the non-refundable fee increased by \$180 to \$9,790 due to inflation.

Some industry experts described the increase as modest, suggesting it won't slow the upward trajectory projected for oil production in 2018.

According to the U.S. Energy Information Administration, total crude oil production is forecast to average 9.9 million barrels per day next year. The record of 9.6 million barrels per day was set in 1970. Experts say most of that growth is expected to come from the Permian Basin in Texas and the Gulf of Mexico.

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Llano County commissioners weigh in on proposed Burnet County rock crusher

Posted on 02 October 2017. Tags: Burnet County news, environment, <u>llano county news</u>, <u>rock crusher</u>

√5

STAFF WRITER CONNIE SWINNEY



A proposed rock crusher operation was the site of a protest Sept. 30 at the intersection of U.S. 281 and CR 403. Staff photo by Daniel Clifton

HORSESHOE BAY — Llano County commissioners sidestepped sending a resolution in opposition to a proposed rock crushing operation and opted instead to send individual letters to the Texas Commission on Environmental Quality, which is considering

10/3/2017 Llano County commissioners weigh in on proposed Burnet County rock crusher - DailyTrib.com - Your Hill Country online news authority Asphalt Inc.'s air quality permit.

The resolution offered by Llano County Pct. 1 Commissioner Peter Jones on Sept. 25 outlined the potential impact on Llano County residents, even though the proposed plant would be located in neighboring Burnet County.

In particular, the most populated area of Jones's precinct borders the site of the planned operation, which is adjacent to Baylor Scott & White Medical Center-Marble Falls on Texas 71.

"It's a health and safety concern because we have a lot of Llano County folks who utilize that facility," Jones said.

The resolution failed by a 3-2 vote. Those voting for it were Jones and Llano County Judge Mary Cunningham.

Commissioners who voted against it — Linda Raschke, Mike Sandoval, and Jerry Don Moss — cited the operation being an out-of-county issue.

"It's a regional issue, not (just) a local county issue," Jones said. "We're looking at air quality, so that affects us all."

Jones added that Llano County Emergency Service District No. 1, which serves the Horseshoe Bay, Sandy Harbor, and Blue Lake area, reported that 70 percent of its patients are transported to the Marble Falls medical center.

Some commissioners have offered to write individual letters to either TCEQ or state officials about their concerns.

"I'm glad there is some level of support for the opposition of this plant," Jones said.

connie@thepicayune.com

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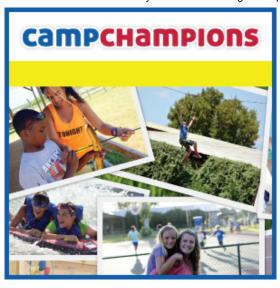












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ENERGY & ENVIRONMENT

Government Report Says FEMA Flood Mapping Program Nee **Improvement**

The internal audit found that as of late 2016, only 42% of FEMA's flood maps were up to date.

TRAVIS BUBENIK | OCTOBER 2, 2017, 6:09 PM



00:04 /01:10

A new government report says FEMA's flood mapping program is outdated and mismanaged.

The report from Homeland Security's Inspector General's Office says that more than half of the Federal Emergency Management Agency maps aren't accurate, and the problem won't be fixed without some changes. Specifically, the audit found that as of late 2016, only 42% (flood maps were up to date.

The report says the agency has had problems finishing map projects. Some have been on hold for more than two years.

The audit recommends FEMA make a number of management and oversight changes, some related to tracking spending and working v partners. Otherwise, the report says, FEMA won't hit its goal of updating at least 80% of the maps.

The agency agrees with the recommendations, saying they are looking for better ways to get through the backlog.

"We are working through them, but it's going to take a little bit of time," said Larry Voice, a FEMA engineer. He didn't read the report, but this process can take a while, particularly in booming suburban areas.

"Things are changing quickly, maybe there's a lot of growth going on, so there are also some areas where we have big priorities where m have valid [mapped] miles already, but we're worried things have changed and they need to be updated," he said.

FEMA has prioritized new studies of flood risk in coastal areas. Voice is currently working in Harvey-effected areas, looking at what the s unprecedented flooding might mean for the studies.

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Travis Bubenik

ENERGY & ENVIRONMENT REPORTER



Travis Bubenik reports on the tangled intersections of energy and the environment in Houston and across Texas. A Ho native and proud Longhorn, he returned to the Bayou City after serving as the Morning Edition Host & Reporter for Ma Public Radio in Far West Texas. Bubenik was previously the...

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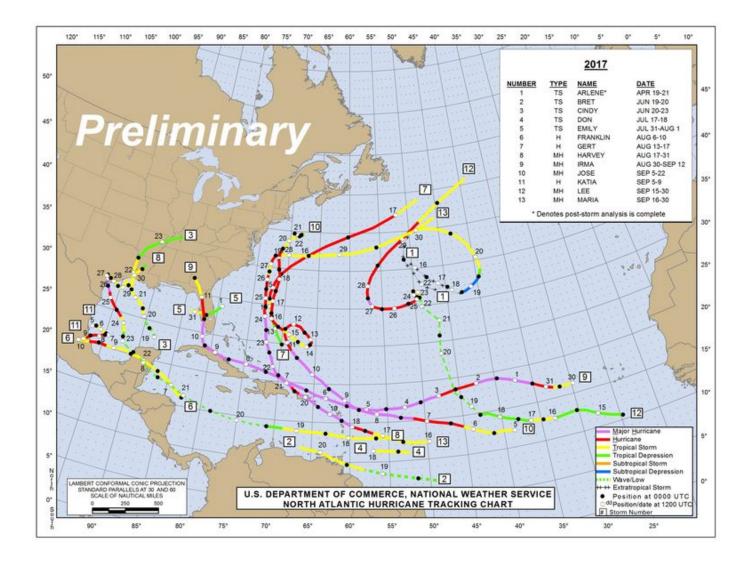
This Year's Atlantic Hurricane Season Is Third Worst on Record

By Stephen Cunningham

October 2, 2017, 11:02 AM CDT

This year's Atlantic hurricane season has been the third-most active on record, and there are still more than eight weeks to go.

The basin produced more tropical cyclones http://www.nhc.noaa.gov/text/MIATWSAT.shtml at this point in the season, which ends on Nov. 30, only in 1933 and 2004, according to the National Hurricane Center. Meanwhile, September set a record for Accumulated Cyclone Energy, a measure that combines the intensity and duration of storms. Four tropical cyclones formed in September, all of which became hurricanes, with three growing into major hurricanes. That doesn't even include hurricane Irma and Harvey, which formed in August.



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POLITICS

E.P.A. Chief's Calendar: A Stream of Industry Meetings and Trips Home

By ERIC LIPTON and LISA FRIEDMAN OCT. 3, 2017

WASHINGTON - For lunch on April 26, Scott Pruitt, the new administrator of the Environmental Protection Agency, dined with top executives from Southern Company, one of the nation's largest coal-burning electric utilities, at Equinox, a white-tablecloth favorite of Washington power brokers.

That evening, it was on to BLT Prime, a steakhouse inside the Trump International Hotel in Washington, for a meal with the board of directors of Alliance Resource Partners, a coal-mining giant whose chief executive donated nearly \$2 million to help elect President Trump.

Before those two agenda items, Mr. Pruitt met privately with top executives and lobbyists from General Motors to talk about their request to block an Obama administration move to curb emissions that contribute to climate change.

It was just a typical day for Mr. Pruitt, the former Oklahoma attorney general. Since taking office in February, Mr. Trump's E.P.A. chief has held back-to-back meetings, briefing sessions and speaking engagements almost daily with top corporate executives and lobbyists from all the major economic sectors that he

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from February through May, the most detailed look yet at what Mr. Pruitt has been up to since he took over the agency.

Many of those players have high-profile matters pending before the agency, with potentially hundreds of millions of dollars in regulatory costs at stake. Some of these same companies and trade associations were allies of Mr. Pruitt when, as Oklahoma's attorney general, he sued the E.P.A. at least 14 times to try to block rules Mr. Pruitt is now in charge of enforcing.

He also took several trips home to Oklahoma for long weekends, often with one or two brief work meetings, followed by long stretches of downtime.

E.P.A. officials defended Mr. Pruitt's industry-heavy appointment book.

"As E.P.A. has been the poster child for regulatory overreach, the agency is now meeting with those ignored by the Obama administration," an emailed statement from the agency said, adding that the agency believed that The New York Times was making an "attempt to sensationalize for clicks" the administrator's detailed calendar.

But William K. Reilly, the E.P.A. administrator under the first President George Bush, described the level of meetings between Mr. Pruitt and industry executives as unusual.

"My sense is there is almost nothing about this administration that is traditional," Mr. Reilly said. He said Mr. Pruitt's history of suing the E.P.A. should have prompted him to meet regularly with public health advocates and environmentalists.

"I would think he would feel a responsibility to bend over backward to show a sense of judicious impartiality," Mr. Reilly said.

In just the first 15 days of May, Mr. Pruitt met with the chief executive of the Chemours Company, a leading chemical maker, as well as three chemical lobbying groups; the egg producers lobby; the president of Shell Oil Company; the chief executive of Southern Company; lobbyists for the farm bureau, the toy association and a cement association; the president of a truck equipment manufacturer

seeking to roll back emissions regulations for trucks; and the president of the Independent Petroleum Association of America.

The E.P.A. leader also scheduled a call with the Family Research Council, whose self-described mission is to "advance faith, family and freedom in public policy and the culture from a Christian worldview." The topic: pulling "together a small group of key business leaders around the country who are very excited about Administrator Pruitt's new leadership role."

In recent weeks, Freedom of Information Act requests from environmentalists, other nonprofit groups and news organizations including The Washington Post have dislodged documents that hint at Mr. Pruitt's typical day. But for the first time, the most recent release, based on an open records request by the liberal nonprofit American Oversight, includes a description of the topics discussed at each of the meetings, and a list of all the agency officials and corporate executives scheduled to attend.

Mr. Pruitt also has made frequent, government-funded trips to his home state of Oklahoma, even when the journeys included only a bit of official business. A trip to Oklahoma on May 5, which cost \$1,043, was justified by the E.P.A. as an "informational meeting." It consisted of a one-hour sit-down that Friday with Sam Wade, the chief executive of the National Rural Water Association, then a return flight to Washington the following Monday.

Mr. Pruitt flew to Oklahoma on May 19, a Friday, toured a chemical company for three hours the next day, then returned to Washington on Monday. The flight for that trip cost \$2,122. These trips are being examined by the agency's inspector general. In later trips Mr. Pruitt appears to have scheduled a greater number of meetings around trips to Oklahoma, such as a three-day trip in July during which he toured a Phillips 66 energy plant, spoke to the Chamber of Commerce in Tulsa, held a round table on the rollback of a Clean Water Act regulation and met with Gov. Mary Fallin.

Mr. Pruitt generally takes commercial flights when he travels, records show, but on at least one occasion he flew on a much more expensive charter flight, and on two other occasions, on federal government and military planes, after getting authorization from agency officials.

But many of Mr. Pruitt's trips outside Washington, the records show, also involved speeches to industry groups and conservative activists who worked closely with the energy industry to challenge the Obama administration's regulatory agenda.

Destinations included the Ritz-Carlton Golf Resort in Naples, Fla., in late April, where Mr. Pruitt spoke to the National Mining Association; the Phoenician, a golf resort and spa in Scottsdale, Ariz., where he spoke to the National Association of Manufacturers; and the Broadmoor, a Colorado Springs hotel, for a gathering of conservative activists, sponsored by the Heritage Foundation, where the agenda included sessions like "Innovative Ways to Roll Back the Administrative State."

The Times also examined more than a year's worth of calendar records maintained for Gina McCarthy, Mr. Pruitt's predecessor under President Barack Obama, which also demonstrated a partisan bent. Ms. McCarthy held a disproportionate number of meetings with Democratic lawmakers and environmental groups, particularly in the summer of 2014, when the administration was making the case for sweeping climate-change regulations.

But the documents show Ms. McCarthy apparently spent much more time meeting with E.P.A. professional staff and other federal government officials than Mr. Pruitt, discussing agency programs and policies. She also met with industry players, like the American Gas Association, the National Pork Producers Council and Edison Electric Institute, the utility lobby.

One of Mr. Pruitt's first scheduled meetings with a public health advocacy group, according to the calendar, came on May 24 when he sat down with the American Academy of Pediatrics. A day later he had two meetings with environmental activists, including a group called Trout Unlimited, a conservation group. Liz Bowman, a spokeswoman for the E.P.A., said the agency (she would not specify who) had met with more than two dozen other health and environmental groups, including the Audubon Society and the American Lung Association.

The newly released documents, for the first time, create a direct link between Mr. Pruitt's meetings and actions that the industry wants him to take.

The oil and gas industry, for example, opposed an Obama-era rule that required it to collect information on the emission of methane, a gas that is considered at least 25 times as effective at warming the planet as carbon dioxide.

On March 27, A.J. Ferate, the vice president of regulatory affairs at the Oklahoma Independent Petroleum Association, saw Mr. Pruitt for half an hour in the administrator's office to offer, according to the schedule notes, "just a few words of appreciation for canceling the Information Collection Request (ICR) on the oil and gas industry." Mr. Ferate and Mr. Pruitt had been working together since at least 2011 — when Mr. Pruitt was Oklahoma's attorney general — to try to kill the methane rule.

The calendars show how companies often turn to people with close personal ties to Mr. Trump or Mr. Pruitt to set up meetings. Roy W. Bailey, the Texas cofinance chairman for the Trump campaign, helped organize a meeting for Intrexon, a Maryland company that wants E.P.A. approval for a biotech-based mosquito control system. Jessica M. Garrison, a former consultant to the Republican Attorneys General Association, helped set up the lunch that Mr. Pruitt had at Equinox with electric utility executives.

The schedule also includes a number of meetings with automakers who pressed the Trump administration to roll back Mr. Obama's decision to lock in vehicle emissions rules through 2025. Mr. Pruitt met in his office on March 17 with the chairman of BMW, Harald Krüger. On April 27, Mr. Pruitt met with G.M. a second time, along with nine other automakers represented by the Alliance of Automobile Manufacturers. The topic: "key E.P.A. priorities affecting the auto industry."

Mr. Pruitt in late April welcomed five executives from a trade association representing sorghum cereal grain growers, including their lobbyist, Joe Bischoff, a former official at the Department of Agriculture. The message they offered Mr. Pruitt: The industry had "witnessed significant pesticide-related restrictions and the threat of revocation of more than half of the crop's reliable insecticides."

Representatives from CropLife America, a trade association run by giant pesticide companies such as Dow AgroSciences and Bayer CropScience, separately met with Mr. Pruitt to "acknowledge the many actions taken already to correct recent regulatory overreach." The meeting with CropLife came the day after Mr. Pruitt overruled E.P.A. scientists who had recommended that the agency ban a pesticide named chlorpyrifos, which has been blamed, in E.P.A.-funded research, for causing developmental disabilities in children, particularly among the families of farm workers.

Another theme emerges in the calendar: Industry executives and conservative activists often scored meetings to press Mr. Pruitt to kill or modify Obama-era climate change regulations, particularly the so-called Clean Power Plan. A May 18 conference call included representatives from the State Policy Network and American Legislative Exchange Council, an organization with ties to Charles G. and David H. Koch, the billionaire industrialists.

"Many people on this call were leading the Clean Power Plan pushback in their state and are advocates for devolving decision making to the local level," the calendar notes.

The E.P.A. is expected to issue a legal justification and plan for rescinding the Clean Power Plan as soon as this week.

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